

PATENT
Attorney Docket No. 5725.0073-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Myriam MELLUL et al.

Serial No.: 09/138,379

Filed: August 24, 1998

For: ANHYDROUS AND WATER RESISTANT
COSMETIC COMPOSITIONS

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED
JUN 17 1999
GROUP 1600
Group Art Unit: 1615
Examiner: J. Venkat
6

Sir:

TERMINAL DISCLAIMER

Petitioner ("assignee"), L'Oréal, S.A., duly organized under the laws of France and having its principal place of business at 14, Rue Royale, 75008 Paris, France, represents that it is the only assignee of the entire right, title and interest in and to both the above-identified application, Serial No. 09/138,379, filed August 24, 1998, for ANHYDROUS AND WATER RESISTANT COSMETIC COMPOSITIONS, in the names of Myriam MELLUL, Paul THAU, Paul FEHN, and Carlos PINZON, as indicated by assignment duly recorded in the U.S. Patent and Trademark Office on December 5, 1995 at Reel 7752, Frame 0294, in parent U.S. Patent Application Serial No. 08/538,046, and at all times has been the only assignee of U.S. Patent No. 5,849,316, which issued from Serial No. 08/882,298 on December 15, 1998, for ANHYDROUS

LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N.W.
WASHINGTON, D.C. 20005
202-408-4000

Serial No.: 09/138,379
Attorney Docket No. 05725.0073-02

AND WATER RESISTANT COSMETIC COMPOSITIONS, in the names of Myriam MELLUL, Paul THAU, Paul FEHN, and Carlos PINZON, as indicated by assignment duly recorded in the U.S. Patent and Trademark Office on December 5, 1995 at Reel 7752, Frame 0294, in parent U.S. Patent Application Serial No. 08/538,046. The above identified application, Serial No. 09/138,379, was filed under 37 C.F.R. § 1.53(b) as a continuation application of Serial No. 08/882,298, now U.S. Patent No. 5,849,316, which was filed under 37 C.F.R. § 1.53(b) as a continuation application of Serial No. 08/538,046, now abandoned.

Assignee L'Oréal further represents that the evidentiary documents establishing the assignments have been viewed and certifies, that to the best of assignee's knowledge and belief, title to the above-identified application and U.S. Patent No. 5,849,316 are in assignee.

To obviate a possible double patenting rejection, assignee L'Oréal hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 09/138,379, which would extend beyond the expiration date of U.S. Patent No. 5,849,316, and hereby agrees that any patent so granted on the above-identified application, Serial No. 09/138,379, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,849,316, this agreement to run with any

Serial No.: 09/138,379
Attorney Docket No. 05725.0073-02

patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on above-identified application, Serial No. 09/138,379 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,849,316, in the event that U.S. Patent No. 5,849,316 expires prior to its full statutory term by reason of, for example, failure to pay a maintenance fee, a holding of unenforceability, a holding of invalidity, the filing of a statutory disclaimer in whole or in part, the filing of a terminal disclaimer under 37 C.F.R. § 1.321(a), cancellation of all claims by reexamination certificate, reissue, or termination in any manner prior to the expiration of its full statutory term.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$110.00 to our Deposit Account No. 06-0916.

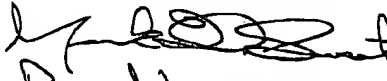
If there are any additional fees due in connection with the filing of this disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

The undersigned is authorized to act on behalf of assignee L'Oréal.

OFFICE
FINNEGAN, HENDERSON,
PARSONS, GARRETT,
& DUNN, L.L.P.
1300 I STREET, N.W.
WASHINGTON, D.C. 20005
202-408-4000

Serial No.: 09/138,379
Attorney Docket No. 05725.0073-02

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By: 
Reg. No. 41,169
Thomas L. Irving
Registration No. 28,619
Applicant's Representative

Date: June 17, 1999